

REMARKS

Claims 1-20 are pending in the application upon entry of this amendment.

Claims 1 - 10 are amended herein. Claims 11 - 20 have been newly added.

Support for this claim amendment is found in the claims as originally filed and the descriptions on page 6, lines 24 to 31; page 9, lines 20 to 24; page 14, lines 9 to 12; and page 20, lines 16 - 21 of the specification as originally filed. No new matter has been added.

The Specification has been amended to change the words "8" described on page 13, line 31 and page 17, line 23 of the Specification to "3", to change the words "N,N'-di(oxyethylene)amino" described on page 14, line 12; page 19, line 31; and page 33, line 29 to "N,N-di(oxyethylene)amino", and to correct a clerical error in the description on page 20, line 5. Support for this specification amendment is found in the descriptions on page 13, lines 1 to 4; page 16, lines 24 to 27; page 14, lines 9 to 12; and page 20, lines 5 to 6 of the specification as originally filed. No new matter has been added.

Entry of the claim and specification amendments and favorable reconsideration of the application are respectfully requested.

Claim Objections

The Office Action objected to Claim 1 as not being clear as to whether the substituted silyl group is bonded to the substituted or non-substituted alkyl group or the layered silicate. The Office Action also objected to Claim 5 for including an informality in that the species recited in Claim 5 are not atomic groups but are either substituents or functional groups. In response, Applicant has amended Claim 1 to change the phrase "an organically modified layered silicate in which a substituted silyl group having a substituted or

non-substituted alkyl group bonds to a layered silicate” to “an organically modified layered silicate, the organically modified layered silicate comprising a layered silicate and a substituted silyl group, the substituted silyl group bonding to the layered silicate and comprising a substituted or non-substituted alkyl group” and Applicant has also amended Claim 5 to change the term “atomic group” to “substituent”. Applicant respectfully requests withdrawal of the objection.

Double Patenting

Claims 1 – 10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 13 of copending Application No. 11/628,625. Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

Applicant has amended claims 1 – 10, wherein independent claim 1 has been amended to recite “A resin composition comprising a biodegradable resin and an organically modified layered silicate, the organically modified layered silicate comprising a layered silicate and a substituted silyl group, the substituted silyl group bonding to the layered silicate and comprising a substituted or non-substituted alkyl group, and the layered silicate comprising a silanol group on a surface thereof.”

None of claims 1 – 13 of copending Application No. 11/628,625 teaches or suggests “the layered silicate comprising a silanol group on a surface thereof” as appearing in independent claim 1 as amended.

In particular, a “phyllosilicate” as appearing in the claims of copending Application No. 11/628,625 is not included in “the layered silicate comprising a silanol group on a surface thereof” as appearing independent claim 1 as amended.

Therefore, independent claim 1 as amended, as well as claims 2 – 20 depending therefrom, are not obvious over claims 1 – 13 of copending Application No. 11/628,625 and the provisional rejection is improper for claims 1 – 10 as amended and 11 – 20 as newly added.

For at least the foregoing reason, it is respectfully requested that the provisional rejection on the ground of nonstatutory obviousness-type double patenting be withdrawn.

Claim Rejections - 35 USC 103 -

Claims 1 – 10 stand rejected under 35 USC 103(a) as being unpatentable over MOHANTY (US2003/0216496) in view of SUZUKI (US 6,583,208). Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

Applicant has amended claims 1 – 10, wherein independent claim 1 has been amended to recite “A resin composition comprising a biodegradable resin and an organically modified layered silicate, the organically modified layered silicate comprising a layered silicate and a substituted silyl group, the substituted silyl group bonding to the layered silicate and comprising a substituted or non-substituted alkyl group, and the layered silicate comprising a silanol group on a surface thereof.”

MOHANTY does not disclose or suggest “the layered silicate comprising a silanol group on a surface thereof” as appearing in independent claim 1 as amended. In

particular, "montmorillonite" as disclosed in paragraph [0061] of MOHANTY is not included in "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended, and accordingly, "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended is not obvious from the description "layered mineral clays (typical clay is montmollironite)" in paragraph [0061] of MOHANTY.

SUZUKI ('208) also does not disclose or suggest "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended. In particular, a "phyllosilicate" as disclosed in SUZUKI ('208) is not included in "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended. Furthermore, "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended is not obvious from the descriptions "a silicate" on column 1, line 20 and "layered silicate" on column 1, line 44 and column 3, lines 1 and 4 of SUZUKI ('208).

Thus, MOHANTY or SUZUKI ('208) does not teach or suggest "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended.

Therefore, independent claim 1, as well as claims 2 – 20 depending therefrom, are not obvious over MOHANTY in view of SUZUKI ('208).

For at least the foregoing reason, the rejection under 35 USC 103(a) as being unpatentable over MOHANTY in view of SUZUKI ('208) is improper for claims 1- 10 as amended and claims 11 – 20 as newly added and Applicant respectfully request withdrawal of the rejection.

Claims 1 – 8 and 10 stand rejected under 35 USC 103(a) as being unpatentable over HAYES (US2004/0024102) in view of SUZUKI (US 6,239,195). Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

Applicant has amended claims 1 – 10, wherein independent claim 1 has been amended to recite “A resin composition comprising a biodegradable resin and an organically modified layered silicate, the organically modified layered silicate comprising a layered silicate and a substituted silyl group, the substituted silyl group bonding to the layered silicate and comprising a substituted or non-substituted alkyl group, and the layered silicate comprising a silanol group on a surface thereof.”

HAYES does not disclose or suggest “the layered silicate comprising a silanol group on a surface thereof” as appearing in independent claim 1 as amended. In particular, silicates and clays as specifically disclosed in HAYES, such as “crystalline calcium silicate gel” and “magnesium aluminum silicate” in [0048] and “aluminosilicate mineral” or “a phyllosilicate” in [0049] of HAYES and “kaolin”, “smectite clays”, “bentonite clays”, “montmorillonite clays”, and “hectorite clays” in [0049] of HAYES, are not included in “the layered silicate comprising a silanol group on a surface thereof” as appearing in independent claim 1 as amended.

SUZUKI (' 195) also does not disclose or suggest “the layered silicate comprising a silanol group on a surface thereof” as appearing in independent claim 1 as amended. In particular, a “phyllosilicate” as disclosed in SUZUKI (' 195) is not included in “the layered silicate comprising a silanol group on a surface thereof” as appearing in independent claim 1 as amended. Furthermore, “a swellable layered silicate” as disclosed in

SUZUKI ('195) is also not included in "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended, because "the . . . phyllosilicate . . . is prepared by introducing an organosilane compound . . . into a swellable layered silicate" as disclosed in column 2, lines 11 -- 26 of SUZUKI ('195).

Thus, HAYES or SUZUKI ('195) does not teach or suggest "the layered silicate comprising a silanol group on a surface thereof" as appearing in independent claim 1 as amended.

Therefore, independent claim 1, as well as claims 2 -- 20 depending therefrom, are not obvious over HAYES in view of SUZUKI ('195).

For at least the foregoing reason, the rejection under 35 USC 103(a) as being unpatentable over HAYES in view of SUZUKI ('195) is improper for claims 1- 10 as amended and claims 11 -- 20 as newly added and Applicant respectfully request withdrawal of the rejection.

Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

The Commissioner is authorized to charge any fees, including additional claims fees, to Deposit Account No. 50-4424.

Respectfully submitted,

IPUSA, PLLC



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